

Message Text

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44

ACTION EA-14

INFO OCT-01 ISO-00 AID-20 OMB-01 CIEP-03 IO-14 CIAE-00

DODE-00 PM-07 H-03 INR-11 L-03 NSAE-00 NSC-07 PA-04

RSC-01 PRS-01 SP-03 SS-20 USIA-15 EUR-25 NIC-01 DRC-01

/155 W

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R 241307Z SEP 74

FM AMEMBASSY SAIGON

TO SECSTATE WASHDC 8965

INFO AMCONSUL BIEN HOA

AMCONSUL CAN THO

AMCONSUL DANANG

AMCONSUL NHA TRANG

CINCPAC

USDEL JEC PARIS

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E.O. 11652: N/A

TAGS: PINT, PGOV, VS

SUBJECT: ELECTION OF SUPREME COURT JUSTICES

1. A JOINT SESSION OF THE NATIONAL ASSEMBLY WAS HELD ON SEPTEMBER 23, 1974 UNDER THE CHAIRMANSHIP OF SENATE CHAIRMAN TRAN VAN LAM AND LOWER HOUSE SPEAKER NGUYEN BA CAN TO ELECT NINE SUPREME COURT JUSTICES FOR THE 1974-80 TERM.

2. THE SUPREME COURT ELECTION LAW 013/74 OF JULY 3, 1974 SPECIFIES THAT ONLY PROFESSIONAL JUDGES AND PROFESSIONAL PROSECUTORS MAY BE CANDIDATES. AN INITIAL SCREENING OF CANDIDATES WAS MADE BY THE SUPREME COURT, IN THE CASE OF JUDGES, AND BY THE MINISTRY OF JUSTICE, IN THE CASE OF PROSECUTORS. THE RESULTANT LIST OF FIFTEEN JUDGES AND NINE PROSECUTORS WAS REVIEWED BY THE SPECIAL COMMITTEE AND FORMALLY ANNOUNCED ON AUGUST 27.

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3. FOLLOWING THE INTRODUCTION OF THE LIST OF CANDIDATES, A

NUMBER OF REPRESENTATIVES TOOK THE FLOOR. A TOTAL OF NINETEEN OPPOSITIONISTS AND EIGHT PRO-GOVERNMENT MEMBERS SPOKE. THE OPPOSITIONISTS, LED BY SENATOR VU VAN MAU, SUGGESTED POSTPONEMENT OF THE ELECTION. SENATOR TRUONG TIEN DAT, AND A NUMBER OF OTHER OPPOSITIONISTS, PRESENTED TO THE SESSION WHAT THEY TERMED THE "EXECUTIVE ORDERED" LIST OF NINE CANDIDATES WHO PRO-GOVERNMENT MEMBERS WERE ASKED TO SUPPORT. THE LIST WAS CITED BY DAT AS "PROOF" OF THE EXECUTIVE'S INTENTION TO PRE-DETERMINE THE ELECTION AND TO ENSURE THAT PRO-GOVERNMENT JUSTICES WERE ELECTED.

4. PRO-GOVERNMENT REPRESENTATIVES COUNTER-ATTACKED WITH THE ARGUMENT THAT THERE WAS NO PROVISION IN THE ASSEMBLY RULES FOR POSTPONEMENT OF THE ELECTION. THEY ALSO STATED THAT THE OPPOSITION CRITICISM WAS BENEFITTING ONLY THE COMMUNISTS. THE POINT WAS MADE THAT THERE WAS NO QUESTION OF RECEIVING AN ORDER FROM THE EXECUTIVE REGARDING A LIST OF PREFERRED CANDIDATES SINCE THE TWO HOUSES OF THE LEGISLATURE HAD ALREADY MADE A PRELIMINARY SELECTION OF THE JUSTICES. A STATEMENT BY DEPUTY LE CHI HIEU WHICH CHARACTERIZED OPPOSITION CRITICS AS "COMMUNIST HENCHMEN" BROUGHT CHAOS TO THE FLOOR OF THE ASSEMBLY. BOTH OPPOSITION AND PRO-GOVERNMENT MEMBERS CONTRIBUTED TO AN UNRULY DEMONSTRATION OF SHOUTS AND FLYING ASH TRAYS, CHAIRS, AND MICROPHONES. IN THIS EXCITEMENT THE EMPTY BALLOT BOX WAS KNOCKED TO THE FLOOR. ORDER WAS RESTORED BY CHAIRMAN LAM AFTER ABOUT FIFTEEN MINUTES AND DELIVERATIONS RESUMED WITHOUT FURTHER SIGNIFICANT INCIDENT.

5. A VOTE TO END DEBATE WAS CARRIED BY 138 MEMBERS; 59 MEMBERS VOTED FOR A SEPARATE MEASURE TO ADJOURN THE ELECTION. IN ALL, A TOTAL OF 201 MEMBERS (149 DEPUTIES AND 52 SENATORS) WERE PRESENT FOR THE ACTUAL ELECTION BALLOTING.

6. THE SUCCESSFUL CANDIDATES AND THEIR NUMBER OF VOTES FOLLOW:

A. MAI VAN AN (142 VOTES)

B. TRAN MINH TIET (136 VOTES)

C. NGUYEN MONG BICH (134 VOTES)

D. TRAN VAN LINH (133 VOTES)

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E. NGUYEN VAN BIEN (122 VOTES)

F. TRAN KHUONG TRINH (121 VOTES)

G. NGUYEN AN THONG (120 VOTES)

H. TRINH XUAN NGAN (98 VOTES)

I. TRAN VAN THUAN (83 VOTES)

7. COMMENT: THIS ELECTION IS OF PARTICULAR IMPORTANCE BECAUSE OF THE KEY ROLE ASSIGNED THE SUPREME COURT UNDER THE CONSTITUTION IN THE ADMINISTRATION OF PRESIDENTIAL ELECTIONS, THE NEXT OF WHICH IS TO TAKE PLACE IN 1975. IT IS NOTEWORTHY THAT TWO OPPOSITION-SUPPORTED CANDIDATES, TIET AND THONG, WERE ELECTED. HOWEVER, THE SUCCESSFUL LIST IS OTHERWISE REMARKABLY SIMILAR TO THE SO-CALLED "EXECUTIVE-ORDERED" LIST WITH THE EXCEPTION OF CANDIDATES NGUYEN KHOA THI AND LE VAN TU WHO WERE NOT SUCCESSFUL. IT APPEARS THAT AT SOME POINT THE PRO-GOVERNMENT MAJORITY MAY HAVE DECIDED TO PERMIT THE ELECTION OF TWO OPPOSITION JUSTICES. THE SOMEWHAT UNEXPECTED VICTORY OF TWO OF THEIR CANDIDATS APPARENTLY HAD A CALMING EFFECT ON THE OPPOSITION MEMBERS AND THE JOINT SESSION WAS CONCLUDED IN A CORDIAL MANNER. END COMMENT.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PERSONNEL, ELECTION RESULTS, CENTRAL LEGISLATURE, MEETINGS, ELECTIONS, COURTS, JUDGES, ELECTION CANDIDATES
Control Number: n/a
Copy: SINGLE
Draft Date: 24 SEP 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: izenbei0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974SAIGON12392
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740268-0757
From: SAIGON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740919/aaaaapme.tel
Line Count: 132
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: izenbei0
Review Comment: n/a
Review Content Flags:
Review Date: 01 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 MAY 2002 by ifshinsr>; APPROVED <11 MAR 2003 by izenbei0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ELECTION OF SUPREME COURT JUSTICES
TAGS: PINT, PGOV, VS, (MAI VAN BIEN), (TRAN KHUONG TRINH), (NGUYEN AN THONG), (TRINH XUAN NGAN), (TRAN VAN THUAN)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005